

Admitted
U.S. Supreme Court
U.S. Courts of Appeals
2nd, 3rd, 4th, 5th, 9th & 10th
U.S. District Courts
S.D.N.Y., W.D.N.Y., E.D.N.Y.,
N.D.N.Y.,
D. Md., D. Col., W.D. Okla.
W.D. Tex., N.D. Tex.
State Courts
New York Colorado

LAW OFFICE OF BERNARD V. KLEINMAN, PLLC

ATTORNEY - AT - LAW

108 VILLAGE SQUARE, SUITE 313

SOMERS, NY 10589-2305

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November 29, 2024

Hon. Mark Pittman
U.S. District Judge
Northern District of Texas
501 West 10th Street
Ft. Worth, TX 76102

Re: Point Bridge Capital, et al. v. Johnson, 24-cv-00988

Your Honor,

By this letter, I respectfully beseech you to re-consider your Order, dated November 18, 2024, in which you denied my request to appear without local counsel.

This case involves a Plaintiff, residing on the Northern District of Texas, and a Defendant, who resides in the Eastern District of Virginia, with no private or commercial residence (at any point in time) in the Northern District of Texas. He is being sued, with *in personam* jurisdiction based upon his alleged contacts in the Northern District of Texas, and the Plaintiffs relying upon the Texas long-arm statute. See Complaint at ¶ 20.

I represent Mr. Johnson in other matters, and he has retained me to represent him in this matter as he has no contact, or connection, with any law firm or attorneys in the Northern District of Texas. Upon being contacted by Mr. Johnson regarding this lawsuit, I contacted counsel for the Plaintiffs, and advised Plaintiffs' counsel of my intent to appear on his behalf.

In furtherance, thereof, on November 06, 2024, I filed an application for admission to practice before the Bar of this Court. This application was granted (on November 14, 2024, by the Hon. Ada Brown), and, on November 15, 2024, I was duly sworn in by the Hon. Vincent Briccetti, Sr. Judge, of the Southern District of New York. Further, as my Application Motion set forth, the requisite \$200 application fee was paid to this Court. (Attached is a copy of my Application for Admission, including the federal and state courts to which I am admitted.)

In Your Order, of November 18, 2024, denying the requested relief, you stated that Mr. Johnson had fourteen days, from the date of the Order to retain local counsel. That time restriction runs out on December 3, 2024. (You further directed that any Answer be filed by November 22, 2024, and this was fully complied with. See ECF No. 8.) Further, It should be noted, that among the Affirmative Defenses raised was lack of *in personam* jurisdiction. See Answer at Fifth Affirmative Defense.

Hon. Mark Pittman, U.S.D.J.

Re: *Point Bridge Capital, et al. v. Johnson*, 24-cv-00988

29 November 2024 — page two

While I immediately advised Mr. Johnson of this fact, at that time Mr. Johnson was in Europe on business, and did not return to the United States until Wednesday of this week.

As such, I would respectfully request that the Court re-consider this request. As I stated in my original Motion, Mr. Johnson is of limited financial means, and does not have the assets to retain additional counsel. Such a requirement will impose a substantial and all but impossible burden upon him to properly and effectively defend this lawsuit.

It should be noted that in most cases the requirement of local counsel is one that is Ordered upon a *plaintiff* who has chosen to initiate litigation in this District, as opposed to a defendant who is forced to appear in this District. See, e.g., *Campbell v. Garland*, 2023 U.S. App. LEXIS 29160 at *18-*19 (5th Cir. 2023); *Kinstley v. State Farm Lloyds*, 2024 U.S. Dist. LEXIS 194960 at *3-*4 (N.D. Tex. 2024); *Six Flags Entertainment Corp. v. Travelers Casualty & Surety Co. of Am.*, 2021 U.S. Dist. LEXIS 98395 at *3-*4 (N.D. Tex. 2021); *Tillotson v. Equifax Information Svcs.*, 2021 U.S. Dist. LEXIS 204642 at *4-*5 (N.D. Tex. 2021); *Atlas Trading Conglomerate, Inc. v. A.T. & T., Inc.*, 2018 U.S. Dist. LEXIS 33032 at *9-*10 (N.D. Tex. 2010).

Compare *Penni v. Giorgi*, 841 Fed. App'x 655 (5th Cir. 2021), where, unlike the case at Bar, the Court of Appeals upheld a requirement of local counsel where the party seeking such relief engaged in both “delay and contumacious conduct”, and the evidence of prejudice to the defendants by seeking relief under L.R. 83.11. *Id.* at 658-59.

As such, it is respectfully requested that the Court re-consider its prior Order, and permit Mr. Johnson to appear by Counsel herein. In the event that the Court denies such relief, it is requested that Mr. Johnson be granted an extension, until December 18, to seek such local counsel, or seek a change in venue. See *In re Horseshoe Entertainment*, 337 F.3d 449, 434 (5th Cir. 2003); *McCaa v. Easterling*, 2008 U.S. Dist. LEXIS 140526 at *11-*12 (S.D. Tex. 2008).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Bernard V. Kleinman", with a long horizontal flourish extending to the right.

Bernard V. Kleinman, Esq.

cc: All Counsel of Record by ECF

9. Indicate any grievances or involuntary removals filed against you while a member of the bar of any state or federal court. Describe the circumstances in detail.
N/A
10. Describe in detail any charges, arrests, or convictions for criminal offense(s) filed against you. Omit minor traffic offenses.
N/A
11. Would you be interested in being appointed to a federal criminal case? ☒ Yes ☐ No
 Would you be interested in providing pro bono legal services in a civil rights case? ☐ Yes ☒ No
12. State Bar Number(s): 1380989 New York
 Specify State(s) if Other Than Texas

For Court Use Only
 Bar Status Verified

I hereby certify that all of the above information is true and correct. I recognize that by admission to this Court I am subjecting myself to the discipline of this Court.

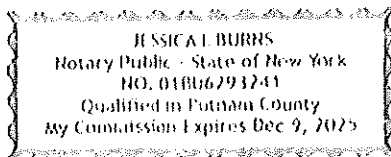
Nov. 09, 2024
 Date

[Signature]
 Applicant's Original Signature

Sworn and subscribed to before me:
November 10th, 2024

11-06-2024
 Date

Seal:



[Signature]
 Notary Official/Deputy Clerk

Admitted on the motion of the following sponsor who, by signing below, represents that the sponsor is a member in good standing of the bar of the Northern District of Texas and that the sponsor is sufficiently acquainted with the applicant to affirm, and does affirm, that the applicant is of good personal and professional character. See LR 83.7(b).

[Signature]
 Sponsor's Original Signature

07469300
 Bar Number (Specify if Other Than Texas)

Lawrence J. Friedman
 Printed Name

972-7887-1400
 Telephone Number

See next page for original signature

Application Approved and Oath Administered by a United States District Judge for the Northern District of Texas: (If the oath will be administered by another Judge, skip this and use page 3.)

 Date Oath Administered

 United States District Judge
 Northern District of Texas

10. Describe in detail any charges, arrests, or convictions for criminal offenses(s) filed against you. Omit minor traffic offenses.

N/A

11. Would you be interested in being appointed to a federal criminal case? ☒ Yes ☐ No
 Would you be interested in providing pro bono legal services in a civil rights case? ☐ Yes ☒ No

12. State Bar Number(s): 1380989
 Specify State(s) if Other Than Texas

For Court Use Only.
 Bar Status Verified:

I hereby certify that all of the above information is true and correct. I recognize that by admission to this Court I am subjecting myself to the discipline of this Court.

Date

Applicant's Original Signature

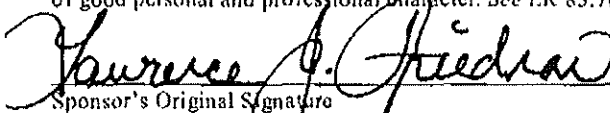
Sworn and subscribed to before me:

Date

Seal:

Notary Official/Deputy Clerk

Admitted on the motion of the following sponsor who, by signing below, represents that the sponsor is a member in good standing of the bar of the Northern District of Texas and that the sponsor is sufficiently acquainted with the applicant to affirm, and does affirm, that the applicant is of good personal and professional character. See I.R. 83.7(b).


 Sponsor's Original Signature

07469300

Bar Number (Specify if Other Than Texas)

(972) 788-1400

Telephone Number

LAWRENCE J. FRIEDMAN
 Printed Name

Application Approved and Oath Administered by a United States District Judge for the Northern District of Texas: (If the oath will be administered by another Judge, skip this and use page 3.)

Date Oath Administered

United States District Judge
 Northern District of Texas

OPTIONAL PAGE

Use this page **ONLY** if the oath will be administered by a U.S. Circuit Judge, by a U.S. District Judge in a district other than the Northern District of Texas, or by a U.S. Bankruptcy Judge or U.S. Magistrate Judge. Otherwise, discard this page.

Application Approved by a United States District Judge for the Northern District of Texas (**REQUIRED FIRST**):

November 13, 2024

Date Application Approved



United States District Judge
Northern District of Texas

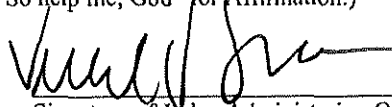
(**IMPORTANT**: The oath below should only be administered **AFTER** a United States District Judge for the Northern District of Texas has signed above approving this application.)

Oath or Affirmation:

I do solemnly swear (or affirm) that I will demean myself as an attorney and counselor of the United States District Court for the Northern District of Texas, uprightly and according to law, and that I will support and defend the Constitution of the United States. So help me, God. (Omit "So help me, God" for Affirmation.)

November 15, 2024

Date Oath Administered



Signature of Judge Administering Oath

Vincent L. Briccetti, U.S.D.J., S.D.N.Y.

Printed Name and Title of Judge Administering Oath

After both judges have signed above, email the completed application (including this page and the Certificate of Good Standing) to attorney_txnd@txnd.uscourts.gov and pay the admission fee online by docketing the Attorney Admission Fee event in ECF. If you are unable to pay the fee online, mail the completed form and fee to U.S. District Court, 1100 Commerce St., Rm. 1452, Dallas, TX 75242.

COURT'S CURRENTLY ADMITTED TO PRACTICE IN & DATE OF ADMISSION:

U.S. District Courts:

S.D.N.Y.	November 18, 1975
E.D.N.Y.	May 15, 1975
N.D.N.Y.	August 14, 2000
W.D.N.Y.	April 11, 2018
D. COLO.	August 3, 1998
D. MARYLAND .	July 6, 2021
W.D. TEXAS	March, 12, 2018
W.D. OKLA.	Oct. 14, 2024

U.S. Ct. Appeals:

2d Circuit	November 24, 1975 <i>[renewed 24 Apr 2024]</i>
3d Circuit:	October 14, 2015
4 th Circuit:	November 15, 2021
5 th Circuit	December 22, 2015
9 th Circuit:	May 7, 2021
10 th Circuit:	December 13, 1999

U.S. Supreme Court	February 12, 2012
Office of Military Comm's	Oct. 12, 2013

State Courts:

New York State:	March 5, 1975
Colorado Bar No. 59662:	December 20, 2023



*Appellate Division of the Supreme Court
of the State of New York
Second Judicial Department*

*I, Darrell M. Joseph, Clerk of the Appellate Division of the
Supreme Court of the State of New York, Second Judicial
Department, do hereby certify that*

Bernard V. Kleinman.

*was duly licensed and admitted to practice as an Attorney and
Counselor at Law in all the courts of this State on March 5, 1975,
has duly taken and subscribed the oath of office prescribed by law,
has been enrolled in the Roll of Attorneys and Counselors at Law
on file in this office, is duly registered with the Office of Court
Administration, and according to the records of this Court is
currently in good standing as an Attorney and Counselor-at-Law.*



*In Witness Whereof, I have hereunto set
my hand in the City of Brooklyn on
October 25, 2024.*

Darrell M. Joseph

Clerk of the Court



Appellate Division
Supreme Court of the State of New York
Second Judicial Department
45 Monroe Place
Brooklyn, N.Y. 11201
(718) 875-1300

HECTOR D. LASALLE
PRESIDING JUSTICE

DARRELL M. JOSEPH
CLERK OF THE COURT

KENNETH BAND
MELISSA KRAKOWSKI
DEPUTY CLERKS

WENDY STYNES
LAUREN G. DOME
BRIAN E. KENNEDY
ASSOCIATE DEPUTY CLERKS

To Whom It May Concern

An attorney admitted to practice by this Court may request a certificate of good standing, which is the only official document this Court issues certifying to an attorney's admission and good standing.

An attorney's registration status, date of admission and disciplinary history may be viewed through the attorney search feature on the website of the Unified Court System.

New York State does not register attorneys as active or inactive.

An attorney may request a disciplinary history letter from the Attorney Grievance Committee of the Second Judicial Department.

Bar examination history is available from the New York State Board of Law Examiners.

Instructions, forms and links are available on this Court's website.

Darrell M. Joseph
Clerk of the Court